

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Horticulture Department – Departmental proceedings initiated against Sri M.A.Rahim, formerly Assistant Director of Horticulture(Retired), Vizianagaram for certain allegations of financial irregularities – Penalty awarded – Implementation of A.P.A.T. orders - Penalty reduced – Orders - Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 744

Dated: 01-06-2010
Read the following:-

- 1) From DoH, Hyderabad, Lr.No.Estt.II(1)341/1999, dt.14-06-1999.
- 2) GOMs.No.180, Agri. & Coop.(Agri.I)Dept., dt.28-07-2000.
- 3) GORt.No.745, Agri. & Coop.(Agri.I)Dept., dt.29-07-2000.
- 4) Govt.Memo No.61/Vig.II(2)/2001-1 & 2 dt.06-06-2001.
- 5) From JDH(Plg.) & Inquiry Officer Inquiry Report, dt.22-10-2001.
- 6) GORt.No.614, Agri. & Coop.(Vig.II)Dept., dt.23-06-2005.
- 7) Govt.Memo No.11142/Vig.II(2)/2005-1, dt.06-10-2005.
- 8) A.P.A.T. judgment, dt.23-12-2009 in O.A.No.7008/2006.
- 9) Govt.Memo No.17256/Vig.II(2)/2006-8, dt.16-02-2010.
- 10) From Sri M.A.Rahim, A.D.H.(Retired), Representation, dt.03-03-2010.

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ORDER:

It was brought to the notice of the Government that Sri M.A.Rahim, Assistant Director of Horticulture(Retired) had committed certain financial irregularities while working as Assistant Director of Horticulture, Vizianagaram during 1991-97. Accordingly, Government had initiated disciplinary proceedings by framing (4) four charges against him vide reference 3rd read above. In the regular inquiry, all the (4) four charges were held proved against the above Charged Officer.

2. After following the due procedure and after obtaining the concurrence of A.P.Public Service Commissioner, Government awarded a penalty of withholding of 10% pension for a period of (10) ten years on Sri M.A.Rahim Assistant Director of Horticulture(Retired) vide reference 6th read above. In the reference 7th read above, Government have also rejected the review petition filed by Sri M.A.Rahim, Assistant Director of Horticulture(Retired).

3. Aggrieved by the above, Sri M.A.Rahim, Assistant Director of Horticulture(Retired) filed an O.A.No.7008/2006 before A.P.Administrative Tribunal. The A.P.Administrative Tribunal, in its judgment dt.23-12-2009 in the above O.A.No.7008/2006 have passed the following order:-

“Therefore, it is clear that except Charge No.(3), all other charges are deemed to have been proved with the material evidence available on record. However, Charge No.(3) cannot be held as proved, as the witnesses have been examined behind the back of the applicant. The enquiry conducted for Charges No.(1)(2) & (4) is within the purview of the law laid down by the Hon’ble Supreme Court in the judgment relied upon by the learned counsel for the applicant, cited supra. Hence, the respondents can impose punishment against the applicant for Charges (1) (2) and (4) only, but the impugned punishment has been issued holding all the four charges as proved, and the same cannot be upheld.

In view of such circumstances, the impugned punishment order in GORt.No.614, A&C Dept., dt.23-06-2005 and the orders in Memo No.11142/Vig.II(2)/2005-1, dt.6-10-2005 are set aside, the matter is being remanded to the 1st respondent for passing appropriate orders with respect to Charge Nos.(1), (2) & (4) only within a period of eight weeks from the date of receipt of this orders, after putting the applicant on notice and giving him an opportunity to submit his explanation. The O.A. is accordingly disposed of”.

4. In the light of above orders of A.P. Administrative Tribunal, Government have decided to afford an opportunity to the officer to put forth his case against the charges leveled against him. Accordingly, in the reference 9th read above, the Director of Horticulture, Hyderabad was requested to direct Sri M.A. Rahim, Assistant Director of Horticulture(Retired), Vizianagaram to put forth his representation, if any, in view of the orders of A.P. Administrative Tribunal, dt.23-12-2009 in O.A.No.7008/2006.

(PTO)

5. In the reference 10th read above, Sri M.A.Rahim, Assistant Director of Horticulture(Retired) has submitted his representation to Government through Director of Horticulture, Hyderabad and requested to drop further action against him. He had also appeared in person and argued his case.

6. Government have examined the entire matter at length and observed as follows:-

- i. An amount of Rs.4.00 lakhs were withdrawn from bank and the same amount was re-deposited after 52 days due to unavoidable delay. There was no malafide. Officer was sick during the entire period. That is why the amount could not be deposited in time;
- ii. The amount of Rs.3,000/- was credited by Sri M.A. Rahim, Assistant Director of Horticulture after its discovery due to oversight. It was drawn from one particular account while it should have been drawn from a different account. It is merely a procedural lapse without any malafide;
- iii. The last charge is that he could not handover charge along with records after his retirement. In fact, no one came forward to take the charge. The charge was handed over with all the records subsequently. There is no misappropriation of Government amount;

7. Therefore, as per Hon'ble A.P.Administrative Tribunal direction, each one of the charges have been heard, analyzed and it is found that Sri M.A. Rahim, Assistant Director of Horticulture had no malafide intention at all. Not a single charge stands proved. However, there are administrative lapses. They could have been avoided.

8. Keeping all these factors in view, Government have decided to reduce the penalty of withholding of 10% pension for a period of ten years to that of withholding of 1% pension for a period of one year against Sri M.A.Rahim, Assistant Director of Horticulture(Retired) under Rule 9 of A.P.Revised Pension Rules, 1980.

9. Accordingly, Government hereby modify the penalty of withholding of 10% pension for a period of ten years to that of withholding of 1% pension for a period of one year against Sri M.A.Rahim, Assistant Director of Horticulture(Retired) under Rule 9 of A.P.Revised Pension Rules, 1980.

10. The Director of Horticulture, A.P., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. GOEL
A.P.C. & SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.A. Rahim, Assistant Director of Horticulture(Retired), Vizianagaram
(Through : The Director of Horticulture, A.P., Hyderabad)

Copy to:-
The Director of Horticulture, A.P., Hyderabad.
Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER